

[Parties and Counsel Listed on Signature Pages]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

This Document Relates To:

ALL ACTIONS

MDL No. 3047

Case No. 4:22-md-03047-YGR (PHK)

**JOINT STATUS REPORT ON
FORENSIC IMAGING AND DEVICE
DATA**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

Pursuant to Discovery Management Orders No. 8 and 9 (“DMO No. 8” and “DMO No. 9”), the Parties jointly provide this status report on forensic imaging and device data of Plaintiffs’ devices (hereinafter “Main Devices”)¹ as well as the Parties’ progress in conferring on certain other topics as directed by the Court.

I. Search Terms & Word Searchable Databases

The Parties agreed to case-specific search terms to be run across Bellwether PI Plaintiffs’ ESI on August 30; however, as anticipated, further discussions are occurring regarding the data sources across which a few terms will be run for two Bellwether PI Plaintiffs. The Parties also continue to discuss the search terms to apply to data sources Plaintiffs have identified for loss of consortium plaintiffs/parents/guardians, which the Parties anticipate resolving by the end of this month. In addition, the JCCP Bellwether PI Plaintiffs have agreed, absent good cause, to the same general search terms as those negotiated for the Bellwether PI Plaintiffs in the MDL.

II. Forensic Imaging

The Parties continue to confer over whether the iPhone 15 that now belongs to B.H.’s father (*see* chart in § VI) qualifies as a Main Device that should undergo FFS imaging. The Parties will present any dispute over this issue to the Court in a timely fashion.

III. Device Identifying Information

As of September 19, 2024, Plaintiffs had provided:

- The serial number or ICCID number for 34 devices;
- The IMEI, MEID, or MAC address 33 devices (all applicable devices);
- The current operating system for 34 devices; and
- A complete list of applications on 34 devices.

Plaintiffs have not yet provided the approximate start and end dates for the device usage; however,

¹ The Parties use the term “Main Devices” to refer to the Court’s definition in DMO 8 of devices from which information will be initially produced: “[A]ll devices (cellphones, tablets, laptops, computers, and the like) which are in each Bellwether PI Plaintiff’s possession, custody, or control and that they have habitually, routinely, or regularly used during the relevant time period to access the Defendants’ platforms.” Order at 8:24–9:25; Hrg. Tr. at 45:19–21.

1 Plaintiffs have relayed that those dates will be able to be provided once all images have been transferred
2 to the respective ESI vendors, or the Parties may agree that Defendants' forensics vendors are better
3 positioned to obtain that information under Plaintiffs' current proposal for production of filesystem data
4 that the Parties are currently discussing, as set forth further below.

5 **IV. Datasets, Relevant Applications, and Production Format and Logistics**

6 Plaintiffs have substantially completed the production of text-searchable ESI from all Plaintiffs'
7 Main Devices in accordance with the Parties' agreement. The Parties will notify the Court in a timely
8 fashion if any issues arise concerning the production of additional text-searchable ESI.

9 **V. Non-Text Device Data Production**

10 On October 28, 2024, the Parties submitted a Joint Stipulation Re Proposed Device Usage Data
11 Production Protocol and Order ("Protocol") to the Court, which the Court granted. As of November 4,
12 Plaintiffs have shipped hard drives containing inverse images of all Main Devices to Defendants' ESI
13 vendors.

14 **VI. Lost Devices**

15 On October 29, the Court issued an order concerning non-bellwether device imaging and
16 preservation obligations. In accordance with that order, counsel for every non-bellwether Plaintiff that
17 has filed a complaint as of the date of October 29, 2024 (whether in the MDL or the JCCP) will inform
18 the MDL and JCCP Co-Lead Counsel of the date on which each of the non-bellwether Plaintiffs they
19 represent was first directed by counsel to preserve relevant information for this litigation (using the table
20 format provided at ECF No. 1286-1). The MDL and JCCP Co-Lead counsel shall compile the above
21 tables and transmit a combined report of the tables received from non-bellwether Plaintiffs' counsel to the
22 Defendants on or before December 31, 2024. Plaintiffs' counsel will also remind their clients not to sell,
23 dispose, transfer, or factory reset their devices during the pendency of this litigation.

24 On November 13, the Parties exchanged briefing concerning Plaintiff Clevenger performing a
25 factory reset on her iPhone 13 in August 2024 after the Court ordered that Plaintiffs conduct a full file
26 system extraction of all Main Devices. The parties will submit that briefing to the Court in advance of the
27 next Discovery Management Conference.

Respectfully submitted,

DATED: November 14, 2024

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ATTESTATION

I, Andrea R. Pierson, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: November 14, 2024

/s/ Andrea R. Pierson
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